

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ANGOTTI, et. al.,	:
	:
Plaintiffs,	: Case No: 06-CV-657 PJS/JJG
	:
v.	: Class Action
	:
REXAM, INC.,	:
	:
Defendant.	:

**ORDER GRANTING CLASS CERTIFICATION
AND APPOINTING CLASS COUNSEL**

The above-entitled matter came on for hearing on September 28, 2006 on the motions of Plaintiffs and Defendant for class certification and appointment of class counsel. Having reviewed the motions and the accompanying memoranda, exhibits and declarations, and having considered the arguments of counsel, the Court HEREBY ORDERS as follows:

1. Plaintiffs' Motion for Class Certification and Appointment of Class Counsel [Docket No. 90] is GRANTED.

2. Defendant's Motion for Class Certification: Subclasses Requested [Docket No. 103] is DENIED, without prejudice to renew the motion at a later time, to the extent that it requests certification of subclasses, but GRANTED to the extent that it requests certification of a Counterclaim Class.

3. For a class to be certified, the proposed group of litigants must satisfy the requirements of Fed. R. Civ. P. 23(a) and fall within one of the three subdivisions of Rule

23(b). *Paxton v. Union Nat'l Bank*, 688 F.2d 552, 559-63 (8th Cir. 1982). The Court finds that all of the requirements of Rule 23(a) are satisfied here, including that the named representatives are adequate to represent the class, and that plaintiffs' counsel of record are adequate representatives of the class under Rule 23(g).

2. The Court finds that certification is appropriate under Rule 23(b)(2), and certification shall be ordered under that subdivision.

3. In light of the above, the following Plaintiff/Counterclaim Class is hereby certified:

"All retirees, spouses and surviving spouses of retirees, who retired from a facility covered by a Basic Agreement negotiated between the IAM and Rexam, Inc. or a predecessor."

5. The Court hereby appoints Sally M. Tedrow, Francis J. Martorana and Jennifer R. Simon of the law firm of O'Donoghue & O'Donoghue LLP as counsel to the Plaintiff/Counterclaim Class.

Dated: October 9, 2006

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge